

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

BRAC GROUP, INC. (f/k/a Budget Group, Inc.),
et al.,

Debtors.

BRAC GROUP, INC. (f/k/a Budget Group, Inc.),
et al.,

Plaintiffs,

v.

Jaeban (U.K.) Limited, *et al.*,

Defendants.

Chapter 11

Case No. 02-12152 (JLP)

(Jointly Administered)

03-A-54271 (CGC)

ORDER

Upon consideration of (a) Defendant/Counterclaim Plaintiff Ibrahiem Jaeban's Motion to Extend Deadlines in Revised Pre-Trial Scheduling Order (Docket No. 47); (b) Motion for Further Sanctions and Other Relief Due to Mr. Jaeban's Multiple Failures to Comply with the Court's May 25, 2004 Order of Plaintiff-Counterclaim Defendant Budget Rent-A-Car International, Inc. ("BRACIP") (Docket No. 50); and (c) Defendant/Counterclaim Plaintiff Ibrahiem Jaeban's Motion for Order Reopening Limited Discovery (Docket No. 51); (d) all memoranda and exhibits filed in connection with the foregoing motions; and (e) oral argument made by the parties' counsel on September 21, 2004; it is hereby ORDERED:

1. For the reasons set forth in its December 14, 2004 Memorandum Opinion (Docket No. 73), the Court hereby grants BRACII's Motion for Further Sanctions and Other Relief. As sanctions, the Court:

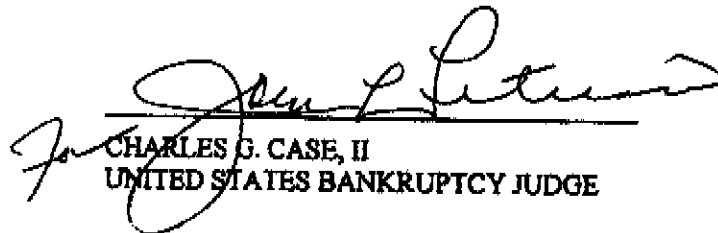
- (a) Dismisses with prejudice all counterclaims asserted by Jaeban UK or Mr. Jaeban against BRACII in this adversary proceeding;
- (b) Pursuant to Paragraph 13 of the Court's February 24, 2003 Order in Case No. 02-12152 (JLP) (Docket No. 2633) approving the sale of assets of BRAC Rent-A-Car Corporation and BRACII to Avis Europe plc, overrules Jaeban UK's Unresolved Cure Objection;¹
- (c) Directs that all funds held in Cure Account No. 194-461-0 at Harris Trust and Savings Bank in Chicago, Illinois or otherwise segregated at any financial institution on account of Jaeban UK's Unresolved Cure Objection against Debtors or of any other claims asserted by Jaeban UK or Mr. Jaeban against any or all of the Debtors in Case No. 02-12152, be transferred or otherwise made available to BRACII forthwith;
- (d) Authorizes BRACII to take all steps necessary to obtain use of such funds in accordance with the terms of this Order.

2. For the reasons set forth in its December 14, 2004 Memorandum Opinion, the Court hereby denies as moot (i) Defendant/Counterclaim Plaintiff Ibrahim Jaeban's Motion to Extend Deadlines in Revised Pre-Trial Scheduling Order and (ii) Defendant/Counterclaim Plaintiff Ibrahim Jaeban's Motion for Order Reopening Limited Discovery.

¹ Jaeban UK's Unresolved Cure Objection (as defined in the Court's February 24, 2003 Order) is set forth in a faxed Objection dated February 13, 2003 and restated in Jaeban UK's Counterclaims and Mr. Jaeban's Amended Counterclaims.

3. The Court hereby stays the effective date of this Order until the expiration of ten days after this Order is entered on the Docket or such further time, if any, as may be agreed by Mr. Jaeban and BRACII or granted by further Order of this Court. In the event that Mr. Jaeban files a motion to reconsider, alter, or amend this Order before the expiration of the stay granted in the preceding sentence, the effective date of this Order shall be further stayed until 4:00 p.m. Eastern Time on the second business day after the date on which the Court enters an Order on the Docket resolving such motion.

Dated: January 12, 2005



CHARLES G. CASE, II
UNITED STATES BANKRUPTCY JUDGE